

# 2635

**From:** Schalles, Scott R.  
**Sent:** Tuesday, September 16, 2008 10:10 AM  
**To:** Gelnett, Wanda B.  
**Subject:** FW: Oppose IRRC #2635

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Public comment on 2635

-----Original Message-----

From: Carolyn K [mailto:carolyn@hoagiesgifted.org]  
Sent: Tuesday, September 16, 2008 10:08 AM  
To: Kaufman, Kim; Totino, Michael; Stephens, Michael J.; Smith, James M.; Schalles, Scott R.; Jewett, John H.  
Cc: Wilmarth, Fiona E.  
Subject: Oppose IRRC #2635

This is my second attempt to submit this comment; my first attempt via the comment form, submitted on Friday evening 9/12, never appeared on the list of comments. The comments recorded on Monday 9/15 from this weekend are only comments NOT submitted via the website comment form.

My name is Carolyn Kottmeyer. I am a parent of two gifted children in the Downingtown Area School District, and a member of PAGE and PEGS. I served on the board of directors for Supporting Emotional Needs of the Gifted (SENG). I am the director of Hoagies' Gifted Education Page ([www.hoagiesgifted.org](http://www.hoagiesgifted.org)).

I won the 2005 National Association of Gifted Education (NAGC) Community Service Award, the 2006 Pennsylvania Association for Gifted Education (PAGE) Neuber-Pregler Award for Outstanding Advocacy Efforts to Assure Quality Education for the Gifted, and the 2008 Supporting Emotional Needs of the Gifted (SENG) for exceptional volunteer service.

As a member of the regulated community, I strongly recommend that the committee disapprove IRRC #2635. This regulation does not provide benefit to the regulated community, as spelled out in the concerns in the Todd McIntyre letter which bears my signature, among many others. There is no rush to implement a bad regulation.

I'd like to draw special attention to the compliance portion of the regulation. IRRC #2635 offers no compliance process to ensure that school districts write and implement valid GIEPs. Instead, the process defined in IRRC #2635 takes more than 50 years to confirm that school districts are following the procedure only, without attention to the content or implementation of the gifted education regulation.

Because of this extraordinarily long and random compliance monitoring plan, gifted students in most Pennsylvania districts are left without protection throughout their 13 years of public education.

While there is a process for parent complaints included in the regulation, this process, too, provides for procedural compliance only. In order to get content and implementation compliance, parents are forced to hire a lawyer and sue their school district. This limits gifted education in Pennsylvania, making it available only to those who can afford the time and money involved in a due process claim. Lower- and middle-income gifted students and their families who cannot afford or are not educated in the process of filing due process, are left with no way to obtain a Free Appropriate Public Education (FAPE) in Pennsylvania.

Within the procedure-only compliance monitoring plan proposed in IRRC #2635, there is no cost to districts found to be in non-compliance. The regulation offers school districts no incentive to follow the mandated process in procedure or content. This situation already exists under the current gifted education regulation; the regulated community does not need it to continue. From the results of the few districts already monitored, as well as the number of due process hearings filed in gifted education, it is clear that compliance is not taking place under similar provisions in current gifted education

regulation.

Please consider the lack of benefit to the regulated community, especially those gifted students in the regulated community who are of low- or middle-income families, and disapprove IRRC #2635.

Thank you.

Carolyn Kottmeyer [carolyn@hoagiesgifted.org](mailto:carolyn@hoagiesgifted.org)

Hoagies' Gifted Education Page [www.hoagiesgifted.org](http://www.hoagiesgifted.org)

Hoagies' Kids & Teens Page [www.hoagiesgifted.org/hoagies\\_kids.htm](http://www.hoagiesgifted.org/hoagies_kids.htm)